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TAGS: [KTIP](#) [ELAB](#) [KCRM](#) [KPAO](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREL](#) [SMIG](#) [NI](#)
SUBJECT: NIGERIA -- 2009 TIP REPORT: PRESS GUIDANCE AND
DEMARCHÉ

REF: A. (A) STATE 59732
[1](#)B. (B) STATE 005577

[1](#)1. This is an action cable; see paras 5 through 7 and 10.

[1](#)2. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

[1](#)3. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of Nigeria of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of Nigeria, and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/precede the Secretary's release at 10:00 am EDT on June 16.

[1](#)4. The entire TIP Report will be available on-line at www.state.gov/g/tip shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

[1](#)5. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of Nigeria of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

[1](#)6. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing

the framework in which the government's performance will be judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

¶7. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

¶8. Begin Final Text of Nigeria,s country narrative in the 2009 TIP Report:

Nigeria (TIER 1)

Nigeria is a source, transit, and destination country for women and children trafficked for the purposes of forced labor and commercial sexual exploitation. Within Nigeria, women and girls are trafficked primarily for domestic servitude and commercial sexual exploitation. Boys are trafficked for forced labor in street vending, agriculture, mining, stone quarries, and as domestic servants. Religious teachers also traffic boys, called almajiri, for forced begging. Women, girls, and boys are trafficked from Nigeria to other West and Central African countries, primarily Gabon, Cameroon, Ghana, Chad, Benin, Togo, Niger, Burkina Faso, and The Gambia, for the same purposes listed above. Benin is a primary source country for boys and girls trafficked for forced labor in Nigeria,s granite quarries. Nigerian women and girls are trafficked through Libya, Morocco, and Algeria to Europe, primarily for the purpose of commercial sexual exploitation, and to the Middle East, particularly Saudi Arabia, for forced prostitution and forced labor. While Italy is the primary European destination country for Nigerian victims, other common destinations are Spain, the Netherlands, Belgium, Austria, Norway, Denmark, Finland, Germany, Switzerland, Ireland, France, and Greece. Children from Nigeria and other African countries are trafficked from Lagos to the UK,s urban centers for domestic servitude and forced labor in restaurants and shops.

The Government of Nigeria fully complies with the minimum standards for the elimination of trafficking. Over the last year, the government more than doubled the number of trafficking offenders convicted, while it improved assistance given to victims, demonstrated strong awareness-raising efforts, and increased funding to its anti-human trafficking organization, the National Agency for the Prohibition of Trafficking in Persons (NAPTIP). Nigeria,s strengthened anti-trafficking record over the last year reflects the cumulative impact of progressively increasing efforts made by NAPTIP over the last several years.

Recommendations for Nigeria: Continue strong efforts to prosecute and convict trafficking offenders; reconsider the practice of interrogating suspected traffickers in Lagos in the same building where trafficking victims are sheltered; and ensure that victims, rights are respected and that they are not detained involuntarily in shelters.

Prosecution

The Government of Nigeria demonstrated increased law enforcement efforts to combat trafficking during the last year. Nigeria prohibits all forms of trafficking through its 2003 Trafficking in Persons Law Enforcement and Administration Act, which was amended in 2005 to increase penalties for traffickers. This law,s prescribed penalties of five years, imprisonment for labor trafficking, 10 years, imprisonment for trafficking of children for forced begging or hawking, and a maximum of life imprisonment for sex trafficking are sufficiently stringent and commensurate

with penalties prescribed for other grave crimes, such as rape. Nigeria's 2003 Child Rights Act also criminalizes child trafficking, though only 20 of the country's 36 states have enacted it.

During the year, NAPTIP reported that it investigated 209 trafficking cases, 37 of which were prosecuted, resulting in the conviction of 19 sex traffickers and four labor traffickers. Sentences imposed on convicted traffickers ranged from six months to 40 years, imprisonment. One sex trafficking offender received a sentence of 40 years, imprisonment, two received sentences of 24 years, imprisonment, and others received two-, five-, and seven-year sentences. Six sex traffickers received sentences of one year, imprisonment or less. While one labor trafficker was sentenced to 20 years, imprisonment, one was sentenced to one year imprisonment and two were given the option of serving one to two years in prison or paying fines of between \$65 and \$600. Over the year, the government provided anti-trafficking training for 823 law enforcement officials and integrated a trafficking training course in the National Police Force's standard curriculum. For several months in 2008, NAPTIP cooperated with European law enforcement counterparts in Operation Koovis. This resulted in the arrest of 60 Nigerian trafficking suspects in Europe, where they will be prosecuted.

Protection

Nigeria intensified its efforts to protect trafficking victims during the last year. NAPTIP continued to operate seven shelters in Lagos, Abuja, Kano, Sokoto, Enugu, Uyo and Benin City. The Ministry of Women's Affairs operates two additional shelters, one in Kano and one in Akwa Ibom. The government collaborated with NGOs and international organizations to provide victims with care. NAPTIP continued to provide care to victims with HIV/AIDS through agreements with hospitals whereby the government pays portions of this care and hospitals agree to provide care at lower cost or sometimes for free. The government reported that between October 2007 and September 2008 it identified 887 trafficking victims, of whom NAPTIP rescued 291, the Immigration Service rescued 215, the Nigerian Police intercepted 304, the Civil Defense Corps intercepted 56, the Federal Road Safety rescued 18, the State Security Service intercepted two, and a Nigerian Embassy rescued one. NAPTIP reported that from February 2008 to February 2009 932 victims -- 387 of whom were children -- received care at its seven shelters. The agency's largest shelter in Lagos, with a capacity for 120 victims, housed an average of 35 to 40 victims at any given period during the year. This shelter offers victims vocational training and has 12 full-time counselors trained to treat trauma. NAPTIP detains suspected traffickers for questioning in the same building containing the Lagos shelter, a practice that threatened to jeopardize the safety of victims and contribute to their psychological distress. The government also reported that some of its shelters lack adequate vocational training facilities. NAPTIP repatriated 45 victims back to Nigeria with some assistance from IOM and repatriated 54 foreign victims back to their African countries of origin. In August 2008, NAPTIP launched the Victims, Trust Fund, which accepts donations to provide restitution to victims on a case-by-case basis. In November 2008, Nigeria approved a National Policy on Protection and Assistance to Trafficked Persons to increase protection and rehabilitation efforts, though implementation has not begun. The government also operated hotlines for assistance to victims in each of NAPTIP's zonal areas. The government encouraged victims to participate in investigations and prosecutions of trafficking crimes, as victim testimony is usually required to prosecute traffickers. Because cases take so long to go to trial, victims often returned to their home communities before they could give testimony in court.

Nigeria provided a limited legal alternative to the removal of foreign victims to countries where they face hardship or retribution) short-term residency that cannot be extended. The government also placed foreign victims in shelters under

guard until they were repatriated. Although there were no reports of victims inappropriately incarcerated, fined, or penalized for unlawful acts committed as a result of being trafficked, police and immigration officers did not always follow procedures to identify trafficking victims among females arrested for prostitution. While NAPTIP investigators follow formal procedures to identify sex trafficking victims, such procedures have not been formalized within the National Police Force or the National Immigration Service. In March 2009, NAPTIP dismissed two officers for attempting to extort bribes from trafficking victims during investigations.

Prevention

The Government of Nigeria demonstrated strong efforts to raise awareness about trafficking over the last year. In August 2008, on its five-year anniversary, NAPTIP organized the First Trafficking Awareness week, a series of anti-trafficking, awareness-raising events, including the launch of the &Red Card,⁸ a leaflet distributed to the public with information on the human trafficking phenomenon, including hotline numbers. In November 2008, Nigeria and Benin hosted a four-day, anti-trafficking forum attended by representatives from Togo, Gabon, and Congo. During the year, NAPTIP provided guidance to counterparts in Ghana on establishing a similar anti-trafficking agency. In August 2008, Nigeria adopted a new National Plan of Action on Trafficking in Persons, though implementation has not yet begun. In 2008, the government provided NAPTIP with \$9.3 million in funding, up from \$7.2 million in 2007. NAPTIP hosted two national stakeholders, forums during the year attended by government, NGO, and international organization representatives. Nigerian troops receive anti-trafficking awareness training through a donor-funded program before being deployed abroad as part of international peacekeeping missions. The Government took steps to reduce the demand for commercial sex acts within Nigeria by closing down two commercial establishments for trafficking activities in July 2008.

19. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries

assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1) or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers, home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries, "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers, profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website www.state.gov/g/tip.

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your

country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

(end non-paper)

¶10. Posts should make sure that the relevant country narrative is readily available on or through the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau's EX office.

¶11. The following is press guidance provided for Post to use with local media.

Q1: Why is Nigeria on Tier 1?

A: The Government of Nigeria fully complies with the minimum standards for the elimination of trafficking. Over the last year, the government more than doubled the number of trafficking offenders convicted, while it improved assistance given to victims, demonstrated strong awareness-raising efforts, and increased funding to its anti-human trafficking organization, the National Agency for the Prevention of Trafficking in Persons (NAPTIP). Nigeria's strengthened anti-trafficking record over the last year reflects the cumulative impact of progressively increasing efforts made by NAPTIP over the last several years.

Q2: What progress has Nigeria made in the last year?

A: The Government of Nigeria demonstrated increased law enforcement and victim protection efforts to combat trafficking during the last year. During the year, NAPTIP reported that it investigated 209 trafficking cases, 37 of which were prosecuted, resulting in the conviction of 19 sex traffickers and four labor traffickers. Sentences imposed on convicted traffickers ranged from six months to 40 years, imprisonment. For several months in 2008, NAPTIP cooperated with European law enforcement counterparts in Operation Koolvis. This resulted in the arrest of 60 Nigerian trafficking suspects in Europe, where they will be prosecuted. The government reported that it identified 887 trafficking victims. NAPTIP reported that 932 victims -- 387 of whom were children -- received care at its seven shelters. NAPTIP repatriated 45 victims back to Nigeria with some assistance from IOM and repatriated 54 foreign victims back to their African countries of origin. In November 2008, Nigeria approved a National Policy on Protection and Assistance to Trafficked Persons to increase protection and rehabilitation efforts. In 2008, the government provided NAPTIP with \$9.3 million in funding, up from \$7.2 million in 2007.

Q3: How can Nigeria further the fight against trafficking in persons?

A: Continue strong efforts to prosecute and convict trafficking offenders; reconsider the practice of interrogating suspected traffickers in Lagos in the same building where trafficking victims are sheltered; and ensure that victims' rights are respected and that they are not detained involuntarily in shelters.

¶12. The Department appreciates posts' assistance with the preceding action requests.

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